

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE, INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC,

Defendants.

Civil Action No.: 2:21-cv-310

**DECLARATION OF BRETT M. SCHUMAN IN SUPPORT OF
JOINT MOTION FOR DETERMINATION OF PREJUDGMENT INTEREST**

I, Brett M. Schuman, declare and state as follows:

1. I am an attorney at Goodwin Procter LLP, and counsel of record for Defendants in the above-entitled case. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would competently testify as to the following.
2. Attached hereto as Exhibit 1 is a document, generated from an Excel spreadsheet, setting forth Defendants' calculations regarding the amount of prejudgment interest owed as set forth in the Court's Final Judgment (Dkt. No. 513) and the total amount to be deposited with the Court's Registry pursuant to Local Rule CV-62(a) to stay execution of the Final Judgment. Defendants modified this spreadsheet from the original spreadsheet used by TQ Delta for its interest calculations, with inputs modified to address what Defendants contend to be the proper period for prejudgment interest.

3. As set forth in Exhibit 1, the period for accruing prejudgment interest is August 13, 2015, six years before TQ Delta filed its complaint in this matter (Dkt. No. 1), through May 3, 2023, the date of the Final Judgment (Dkt. No. 513).

4. The quarterly compound interest rate to be applied is 1.58%, which was the five-year U.S. Treasury Bill rate as of August 13, 2015, the beginning of the damages period. This rate is shown in the attached Exhibit 2, which is a true and correct copy of a printout of the U.S. Treasury website showing the daily Treasury Bill rates for 2015.¹ The five-year rate as of August 13, 2015 has been highlighted in green on page 8 of Exhibit 2.

5. As shown in Exhibit 1, applying the quarterly compound interest rate of 1.58% to the jury's lump sum award of \$11,125,000.00 from August 13, 2015 through May 3, 2023 results in a total of \$12,539.071.03. The amount of prejudgment interest is therefore **\$1,414,071.03**.

6. Using this prejudgment interest amount, the total amount of the Final Judgment as of May 3, 2023 was \$11,125,000.00 (jury's lump sum award) + \$1,414,071.03 (prejudgment interest) + \$246,208.25 (bill of costs) = \$12,785,279.28.

7. The total amount of the Final Judgment "plus 20% of that amount to cover interest and any award of damages for delay, plus \$250.00 to cover costs," Local Rule CV-62(a), is **\$15,342,585.14**.

8. Because Vantiva SA has already deposited \$11,371,208.25 (the First Deposit) into the Court's Registry, the remaining amount to be deposited (the Second Deposit) should be **\$3,971,376.89**.

¹ Available at https://home.treasury.gov/resource-center/data-chart-center/interest-rates/TextView?type=daily_treasury_yield_curve&field_tdr_date_value=2015 (last visited May 8, 2024).

9. Attached hereto as Exhibit 3 is a true and correct copy of an excerpt from the trial transcript for March 24, 2023.

10. Attached hereto as Exhibit 4 is a true and correct copy of the jury verdict (Dkt. No. 253) from *Imperium IP Holdings (Cayman), Ltd. v. Samsung Elecs. Co. et al.*, 4:14-cv-00371-ALM (E.D. Tex. June 9, 2014).

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: May 10, 2024

/s/ Brett M. Schuman

Brett M. Schuman